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EXECUTIVE SECRETARY

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David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505


**In Re: Petition of The Tennessee Small Local Exchange Company Coalition
for Temporary Suspension of 47 U.S.C. §251(b) and 251(c) Pursuant
to 47 U.S.C. §251(f) and 47 U.S.C. §253(b)
Docket No. 99-00613**

Dear David.

Earlier today I filed a Reply on behalf of SECCA, US LEC and Hyperion in the above-captioned proceeding. That filing contained a typographical error. Please replace the earlier filing with this corrected filing. Thank you for your attention to this matter.

Sincerely,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 
Henry Walker

HW/nl
Attachment
c: Parties

POS
2-14-00

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

**Re: Petition of The Tennessee Small Local Exchange Company Coalition for
Temporary Suspension of 47 U.S.C. §251(b) and 251(c) Pursuant to 47 U.S.C.
§251(f) and 47 U.S.C. §253(b)
Docket No. 99-00613**

REPLY OF SECCA, US LEC AND HYPERION TO MOTION TO COMPEL

The Tennessee Small Exchange Company Coalition ("Petitioners") have filed a Motion to Compel responses to discovery requests filed by the Coalition on January 28, 2000.

The Southeast Competitive Carriers Association ("SECCA"), Hyperion of Tennessee, L.P. ("Hyperion") and US LEC of Tennessee, Inc. ("US LEC") (collectively, the "Intervenors") oppose the motion.

In declining to respond to the requests for discovery, the Intervenors set forth at some length the reasons why the Coalition's discovery questions are irrelevant to this proceeding. The main reason is this: The outcome of this proceeding has nothing to do with the business plans of potential competitors. The issue, rather, is the impact on the Coalition's members and their customers of "efficient competitive entry." That is a hypothetical standard and has nothing to do with particular competitors. That's why the FCC held that the incumbent LEC "is in control of the relevant information necessary for the state to make a determination" of this case and why the FCC placed the burden of proof in this proceeding upon the incumbent carriers. See *Responses to Discovery* filed by SECCA, US LEC and Hyperion (copy attached).


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The Motion to Compel simply does not respond to these arguments other than to demand that the TRA either compel the Intervenor to respond to discovery or announce that the TRA acknowledges that “cream skimming” will occur if the Coalition members face competition. The TRA is not obligated to do either one.

The Coalition is not entitled to discovery because their questions are irrelevant. Whether “efficient competitive entry” is synonymous with “cream skimming” or whether either is grounds for granting relief to the Coalition are matters for the parties to argue at the hearing.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served via U.S. First Class Mail or Hand Delivery on the parties of record on this the 10 day of March, 2000.

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